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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 09/767,327                 | 01/23/2001  | Shunichi Shibata     | FUJI 18.247         | 9381             |
| 26304                      | 7590        | 05/10/2005           | EXAMINER            |                  |
| KATTEN MUCHIN ROSENMAN LLP |             |                      | NGUYEN, HANH N      |                  |
| 575 MADISON AVENUE         |             |                      | ART UNIT            |                  |
| NEW YORK, NY 10022-2585    |             |                      | PAPER NUMBER        |                  |

2662

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/767,327

Applicant(s)

SHIBATA ET AL.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 11/2/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Note*

The indicated allowability of claim 3 and 4 is withdrawn in view of the newly discovered reference(s) to Takase et al.(Pat. 5,023,604). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 3 is rejected under 35 USC 102(b) as being anticipated by Takase et al. (Pat. 5,023,604).

Regarding claim 3, Takase et al. discloses a switching system ( see fig.1) including a switching unit (switch 14, fig.1) and a line concentrator (concentrator 13, fig.1), the switching unit comprising: a number-analyzing unit that analyzes a dial number notified through the line concentrator (call requested with destination number transmitted from terminal device 11 through concentrator 13 to switch 14, see col.3, lines 35-45); and a line-selecting unit that selects lines that are accommodated by the line concentrator and are connected to other line concentrators (a path selection is made by concentrators 13, 13', switches 14, 14' in order to connect between themselves, see col.3, lines 45-55) and the line concentrator (concentrator shown in fig.4) comprising a line-connecting unit that connects said lines (subscriber line

interface 42, col.4, lines 25-27), wherein the line-selecting unit selects the lines and directs said line-connecting unit to connect the lines together, when said number-analyzing unit determines that the dial number is used for connecting said line concentrator to the other line concentrators, thereby connecting the line concentrator to the other line concentrators ( fig.1 discloses concentrators 13, 13', switches 14, 14' connected to select a path from terminal device 11 to terminal device 11', wherein the switch 14 makes a path selection according to destination number, see col.4, lines 5-15).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Takase et al. in view of Hadi Salim et al. (US pat. No. 6,625,118 B1).

Regarding claim 4, Takase et al. discloses a flow control wherein when a channel is busy, the system waits until the channel is released, but does not disclose that an overcrowding signal transmitted through a signal path to the switch. Hadi Salim et al. discloses a receiver that checks packet for a congestion indication (checking status path), sends a flow control parameter to a source to control the flow of packet from the source ( sending overcrowding signal to the source). See Abstract. Therefore, it would have been obvious to one ordinary skilled in the art to

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combine Hadi Salim et al. with the Takase et al. in order to transmit the overcrowding path signal between concentrator and switch in Takase et al. and prevent path congestion when there are a plurality of subscribers trying to access for Internet.

***Allowable Subject Matter***

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 5, the prior art does not disclose wherein the switching unit further comprises a number-analysis table including trunk-group numbers initially registered for dial numbers that are used for connecting the line concentrator to the other line concentrators, and a line-selection table including a chain of idle trunks corresponding to a trunk-group number selected from said number-analysis table by said number-analyzing unit by use of said dial number and to a line-concentrator number of the line concentrator accessed by said dial number, wherein said line-selecting unit selects an idle trunk connecting said lines from said line-selection table by use of said trunk-group number and said line-concentrator number.

***Response to Arguments***

Applicant's arguments with respect to claims 3 and 4 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada (US Pat. No. 6,674,715 B1) discloses Switching of Redundant Communication Channels in ATM Switching System.

Okabe et al. (US pat. No. 6,031,838) discloses ATM switching System.

Terasaki (Pat. 5,999,532) discloses ATM line concentration apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**HANH NGUYEN**  
**PRIMARY EXAMINER**

*HN Nguyen*